



Peter L. Skolnik

Of Counsel

Tel 973 597 2508

Fax 973 597 2509

pskolnik@lowenstein.com

January 26, 2014

VIA ECF

Honorable Mark Falk, U.S.M.J.
United States District Court
United States Post Office & Courthouse
1 Federal Square
Newark, NJ 07102

**Re: NXIVM v. The Ross
Institute, et al.; Docket
No. 06-cv-01051 (DMC)
(MF)**

Dear Judge Falk:

I write on behalf of Rick Ross requesting an Order under Fed. R. Civ. P. 41(a)(2) voluntarily dismissing Mr. Ross's January 11, 2007 third-party complaint (Docket #70; denominated a counterclaim) solely against defendant Kristin Keeffe. The circumstances giving rise to this request – like so much else in this eight-year-old litigation – are extremely peculiar. Needless to say, Mr. Ross authorizes the dismissal of this claim. I am aware that Judge Hayden might be required to rule on the application, but address it to Your Honor in the first instance because of your longer familiarity with the record, and Ms. Keeffe's role in it.

A month ago, I was contacted by an investigator for the New York State Police. He advised me that Ms. Keeffe had left NXIVM with her child, Gaelyn, and had provided him with various documents he believed I should see. He also told me he thought it was possible Ms. Keeffe would reach out to me directly.

Hon. Mark Falk
Page 2

April 26, 2014

Prior to receiving this phone call, I had heard rumors from various sources that Ms. Keffe had left NXIVM and had, in fact, "disappeared." The police communication was the first hard evidence that the "rumors" were true.

Two weeks later, on April 11, 2014, I indeed received an email from Ms. Keffe, though not at my Lowenstein Sandler email address. It read in part:¹

Dear Peter,

I have completely left NXIVM and New York and have turned over evidence of massive criminal conduct by Keith, Nancy, and Clare to the authorities. The State police arranged a series of safe houses for me to stay in with Gaelyn and they moved us out of the Northeast. I have to be Very Very careful though because the Saratoga and Albany County prosecutors are totally compromised when it comes to do anything against NXIVM. Even though the BCI felt it was too dangerous for me to ever go back to my house or talk to anyone in NXIVM again. FYI I have full sole legal custody of Gaelyn. **Keith was experimenting on him. I had to get Gaelyn away.**

Do you think you could help me? I would like to settle with Rick and team up with him if he would have me. All the worst things you know about NXIVM are true but there is so so much more horrendous things going on even you will be horrified. **I can't trust Crockett I would like to remove him as my attorney and demand he remove himself from any dealings with NXIVM or the Bronfman's because I am no longer allied with them. Technically he is my attorney alone but I had very little if any say over what he did. Clare told him everything to do on my "behalf" then made me sign. Before Clare took over it was Keith who dictated things to me.**

(Emphasis added)

I immediately contacted both my client, Rick Ross, and Lowenstein's ethics counsel, to discuss how I might proceed. Following those conversations, I replied to Ms. Keffe as follows, using my Lowenstein email account:

Dear Kristin,

I would very much like to speak with you, but can't do so while you are represented by either Bob Crockett (BOB.CROCKETT@lw.com) or John Falzone (John.Falzone@piblaw.com). As I understand your email, you have not yet fired these lawyers, although you have the absolute right to do so. A simple email would be sufficient.

¹ All of the communications to and from Ms. Keffe will be made available to the Court for *in camera* review upon request.

Hon. Mark Falk
Page 3

April 26, 2014

If and when you have done so, please get back in touch. You can use this email address or my mobile phone: 973.476-5625.

Later that day, I received the following, forwarded to me by Ms. Keeffe, though again not to my Lowenstein address:

Subject: Representation
To: robert.crockett@lw.com

Dear Bob,

I no longer wish for you, John Falzone, or Latham Watkins to represent me in any fashion in the Ross case or any other matter. I will be handling matters myself. I ask that you keep all of my files and communications confidential as well as any knowledge you may or may not have about my location. I also ask that you discontinue any communications with NXIVM or the Bronfman's as they are involved in continuing ongoing criminal conduct including but not limited to psychological and sexual abuse and imprisonment of multiple illegal aliens for the last decade.

I am cooperating with the authorities on all of this. Any efforts you make on NXIVM or the Bronfman's behalf is in direct conflict with my interests and unlawfully utilizes knowledge you gained through your representation of me directly or indirectly. It is also harmful to many innocent victimized women and children.

Bob, I know you tried to warn me about the abusive nature of Keith and NXIVM while we were in Seattle for the Dones case. It took a long time for that conversation to sink in but when it did - it really did and I will always be grateful to you for that.

(Emphasis added)

In a subsequent email to me that day, Ms. Keeffe added "I realized I better reach out to you and maybe go all in on your side." Upon my receipt of this confirmation that Ms. Keeffe had written to dismiss Messrs. Crockett and Falzone and wished to align herself with Mr. Ross, I wrote:

Ok. I truly admire your desire to do the right thing and will help in any feasible way.

I think it's necessary and important that we speak. I gather you're not in the NY metro area, so meeting in person is probably impractical, at least for now. Can we schedule a telephone call?

Hon. Mark Falk
Page 4

April 26, 2014

Thereafter, Ms. Keeffe sent me further emails that contain startling and disturbing revelations about NXIVM, Keith Raniere and Nancy Salzman. Those facts, if true, have little if any direct relevance to any issue in the litigation now pending in this Court. Accordingly, in the interest of protecting Ms. Keeffe, I decline to quote those statements in full here, but will make them available for *in camera* review if the Court deems it necessary. Suffice it to say that Ms. Keeffe advised me:

I am far from NY and on my way farther. I can't speak easily for next several days. The police have me in a safe house.

I have been back and forth with Bob [Crockett] and John [Falzone] who will be making the motion to withdraw on Monday. I am not inclined to sign any paperwork stipulating their withdrawal at this time as I can't print and scan easily.²

As soon as I can I will call you. Please tell Rick [Ross] I said thank you. If not for the constant pressure he and his site put on me I and my son would have been lost forever. I never would have got it. Also **you need to know now the reality of what the trainings and Keith do. . . . He is so dangerous you would not believe it . . . He has gotten way more lethal in the last 4 years too.** It could take me days to tell you everything.

(Emphasis added)

Two days ago, Mr. Crockett contacted me and the Managing Partner at Lowenstein demanding copies of any communications with Ms. Keeffe on the Firm's servers. He has now been sent my initial response to Ms. Keeffe (quoted at the bottom of page 2 above), and a redacted copy of her initial email to me (which are the only communications ever housed on Lowenstein's servers). Given the mistrust of Mr. Crockett she refers to, I do not believe he, Mr. Raniere, Ms. Salzman or anyone else affiliated with NXIVM is entitled to see the entirety of that or any of Ms. Keeffe's other communications.

The Court should note that both Mr. Crockett and Mr. Falzone have requested that Mr. Ross dismiss his claim against Ms. Keeffe – precisely what is sought here. If Mr. Ross's claim against Ms. Keeffe is dismissed pursuant to this application, she will no longer be a party on any claim pending in this Court; neither Mr. Crockett nor Mr. Falzone will have a client in this litigation. In the event that either of those attorneys seeks leave to remain in the case as counsel to NXIVM, Salzman or Raniere, the Court should note that in her notice dismissing them as her counsel, Ms. Keeffe stated unequivocally “[a]ny efforts [Messrs. Crockett or Falzone] make on NXIVM or the Bronfman's behalf is in direct conflict with my interests and unlawfully utilizes knowledge you gained through your representation of me directly or indirectly” (*see* Keeffe to Crockett, at 3 above; emphasis added).

² According to Ms. Keeffe, Mr. Crockett demanded a notarized statement from her dismissing him and stipulating her desire that he withdraw from her representation.

Hon. Mark Falk
Page 5

April 26, 2014

For the reasons set forth above, I respectfully request that the Court enter an order dismissing Rick Ross's complaint against Kristin Keefe, with prejudice. A proposed form of Order is attached.

Respectfully submitted,

s/s Peter L. Skolnik

Peter L. Skolnik

PLS:nvl

cc: Hon. Katherine S. Hayden, U.S.D.J. (via ECF)
All Counsel (via ECF)

17316-3